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6 **UNITED STATES DISTRICT COURT FOR THE**
7 **NORTHERN DISTRICT OF CALIFORNIA**

8 Case No. 19-cv-00061-SK

9 SCOTT JOHNSON,

Plaintiff,

v.

11 SAN CARLOS INN, a California
12 Limited Partnership; and Does 1-10,
Defendants.,

Defendant.
14

**DECLARATION OF PHILIP H.
STILLMAN IN SUPPORT OF MOTION
FOR JUDGMENT ON PLEADINGS AS
MOOT PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE 12(c)**

Date: November 25, 2019
Time: 9:30 a.m.
Courtroom: C - 15th Fl.

1 I, Philip H. Stillman, hereby declare:

2 1. I am a member of the California State Bar in good standing and counsel for
3 defendant San Carlos Inn, L.P. in the above-captioned action. I have personal knowledge
4 of the facts stated herein, and if called as a witness, I could and would testify competently
5 to them.

6 2. On July 10, 2019, counsel for plaintiff, Jennifer McAllister of Potter & Handy
7 d/b/a "Center for Disability Access" and counsel for defendant conducted a full site
8 inspection of the subject property and Plaintiff found that all issues that Plaintiff's expert
9 examined had been remediated.

10 3. Johnson contends that his claim must be mediated before any motion to
11 dismiss can be filed. Although that is a misreading of General Order 56, the parties have
12 jointly used Arbitrator/Mediator Paul Dubrow for two cases, *Johnson v. Giusto*, Case No.
13 18-06536-SK and this case. Counsel in this action are the same as counsel for *Giusto* and of
14 course, the ubiquitous Scott Johnson is the plaintiff in both. While the parties did not meet
15 in person, Mr. Dubrow conducted extensive mediation discussions with counsel for
16 Johnson and counsel for San Carlos Inn, L.P. repeatedly for both cases and settlement
17 offers and counteroffers were exchanged through Mr. Dubrow for *both* cases. Mr. Dubrow
18 successfully settled the *Giusto* matter, but the parties were unable to come to a settlement
19 on this case.

20 I hereby declare under penalty of perjury under the laws of the State of California
21 that the foregoing is true and correct. Signed this 11th day of November, 2019.

22 /s/ Philip H. Stillman
23 By: Philip H. Stillman
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PROOF OF SERVICE

I, the undersigned, certify under penalty of perjury that on November 11, 2019 or as soon as possible thereafter, copies of the foregoing Reply Declaration of Philip H. Stillman was served electronically by the Court's ECF notice to all persons/entities requesting special notice or otherwise entitled to the same.

By: /s/ Philip H. Stillman
Attorneys for defendant